

644 1652

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

EBERSOLE ET AL

CASE NO.: BC1002 US NA

SERIAL NO.: 09/548,998

GROUP ART UNIT: 1652

FILED: APRIL 14, 2000

EXAMINER: PAK, Y

FOR: NUCLEIC ACID FRAGMENTS FOR THE
IDENTIFICATION OF DECHLORINATING
BACTERIA

TECH CENTER 1600/2300

JAN 03 2001

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

By Office Action dated September 28, 2001, the above-referenced application has been made subject to a requirement to restrict. The Examiner has taken the position that claims 1-5 (Group I), drawn to a 16S rDNA and bacteria comprising the same are classified in Class 435 subclass 243. Claims 6-12 (Group II) are said to be drawn to a method for identifying a dechlorinating bacterial strain, classified in Class 435, subclass 243. Claims 13-14 (Group III) are said to be drawn to a method for dechlorinating chlorinated compounds, classified in Class 435, subclass 41.

Election of claims is required under 37 CFR 1.143 as well as election of species.

Accordingly Applicants hereby elect Group I, encompassing Claims 1-5, without traverse. Claims 1-5 encompass specific sequences species included as SEQ ID NO 2-8, 30, and 34. Applicant hereby elects SEQ ID NO:8 as the species.

Please cancel claims 6-14 as drawn to a non-elected invention.

The above Election of Claims and species and cancellation of Claims does not alter the inventorship of the application.

Applicants reserve the right to file a divisional application to the non-elected matter. In making this election

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASST. COMMISSIONER FOR PATENT, WASHINGTON, D.C. 20231, ON THIS DATE.

10/19/01
DATE

Mary Beth Pitcher
MARY BETH PITCHER

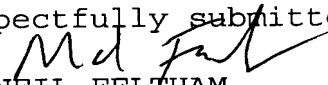
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Applicants make no representations or admissions regarding the reasoning employed by the Examiner in support of the restriction.

Should there be any fee due in connection with the filing of this Response To Restriction Requirement please charge such fee to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,


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Dated: _____

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